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10 **BEFORE THE**
11 **BOARD OF REGISTERED NURSING**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Case No. 2007-253

14 **CAMMIE LEWIS HENRY**
3217 Brookwood Rd.
15 Sacramento, California 95821

A C C U S A T I O N

16 Registered Nurse License No. 438660

17 Respondent.
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19 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

20 **PARTIES**

21 1. Complainant brings this Accusation solely in her official capacity as the
22 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
23 Affairs.

24 2. On or about March 31, 1989, the Board of Registered Nursing issued
25 Registered Nurse License Number 438660 to Cammie Lewis Henry ("Respondent"). The license
26 expired on December 31, 2004, and has not been renewed.

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STATUTORY AND REGULATORY PROVISIONS

3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2761 states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions."

5. California Code of Regulations, title 16, section 1443, states:

"As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5."

COST RECOVERY

6. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

BACKGROUND INFORMATION

7. On or about June 2, 2003, a 92-year-old male, J.W., was admitted to Sutter General Hospital in Sacramento, California, with gangrenous feet, a history of renal failure, severe peripheral vascular disease, hypertension, stroke, and congestive heart failure. After a prolonged hospital stay, J.W. was placed on "comfort care." On or about June 25, 2003, at approximately 1600 hours, at the request of J.W.'s family, Respondent increased J.W.'s Morphine infusion drip from 1 mg. per hour to 2 mg. per hour. At or about 2000 hours, Respondent reset the infusion pump shortly after the infusion complete alarm and occlusion

1 alarm sounded. In the process of resetting the infusion pump, Respondent input the Morphine
2 infusion rate at 20 mg. per hour instead of 2 mg. per hour. At or about 2300 hours, Respondent's
3 co-worker discovered the error and immediately discontinued the Morphine infusion. On or
4 about June 26, 2003, at 0200 hours, J.W. was pronounced dead.

5 **FIRST CAUSE FOR DISCIPLINE**

6 **(Incompetence)**

7 8. Respondent is subject to discipline for unprofessional conduct under Code
8 section 2761(a)(1), on the grounds of incompetence in that on or about June 25, 2003, while
9 employed as a registered nurse at Sutter General Hospital, Sacramento, California, and while
10 providing care to patient J.W.:

11 a. Respondent failed to ensure that he had adequate information and education in
12 the operation of the infusion equipment being used on patient J.W.

13 b. Respondent failed to administer medication appropriately to J.W., in that he
14 failed to follow the Five Rights of Medication Administration.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Unprofessional Conduct)**

17 9. Respondent is subject to discipline under Code section 2761(a) in that on
18 or about June 25, 2003, while employed as a registered nurse at Sutter General Hospital,
19 Sacramento, California, and caring for patient J.W., Respondent was guilty of unprofessional
20 conduct, as set forth above in paragraph 8.

21 **PRAYER**

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein
23 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

24 1. Revoking or suspending Registered Nurse License Number 438660, issued
25 to Cammie Lewis Henry;

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1 2. Ordering Cammie Lewis Henry to pay the Board of Registered Nursing the
2 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
3 Professions Code section 125.3; and,

4 3. Taking such other and further action as deemed necessary and proper.

5 DATED: 3/26/07.

6 
7 RUTH ANN TERRY, M.P.H., R.N.
8 Executive Officer
9 Board of Registered Nursing
10 Department of Consumer Affairs
11 State of California
12 Complainant

13 SA2005105114
14 Accusation (kdg) 1/30/07
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